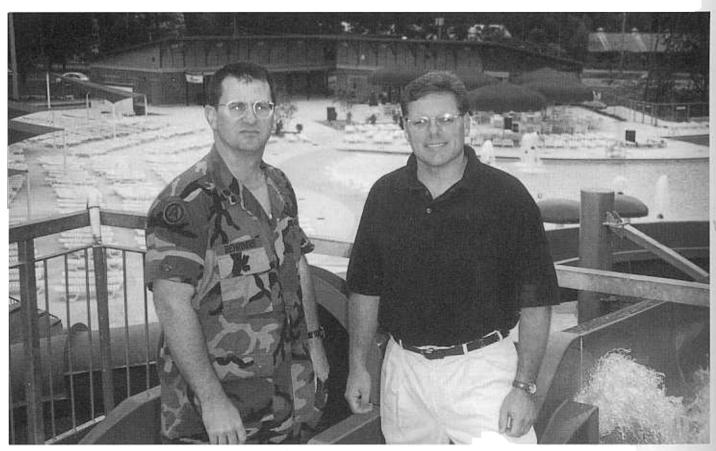
Arsenal and Township Team-Up on Aquatic Park Project



Roger A. Bebringer, Lieutenant Colonel, U.S. Army, Garrison Commander, Picatinny Arsenal and Mayor John Inglesino, Rockaway Township stand in front of the main pool at Picatinny Aquatic Park.

By Joseph S. Fiorilla



Joseph S. Fiorilla is the Director of Rockaway Township Department of Parks, Recreation and Senior Services. force. Today, Picatinny has approximately 3,300 civilian employees and 125 active duty soldiers and their family members. By contrast, Rockaway Township has grown considerably in the time frame that the Arsenal has been reduced. As a result of these changes, a number of popular recreation programs run by the arsenal were threatened by lack of maintenance and operating funds. The Township, with its increasing population, demand for services and facilities, especially for children, was seeking new and innovative ways to accommodate this growing demand. This condition set the stage for a very unique and necessary partnership. Since Rockaway Township is the public school district for military dependent children living at the arsenal, a solid working relationship and resource network was already in place.

Rockaway Township began its historic partnership in 1996 by signing an agreement with Picatinny Arsenal to utilize its four existing athletic fields. In exchange, the township agreed to provide for the general maintenance of the fields (mowing, dragging and lining for mutual games, aeration and seeding). There were considerable cost savings to Picatinny while Rockaway Township obtained the use of additional facilities, with no construction or capital costs. Hence, the partnership road was being paved

(continued on page 44)



Aquatic Park

(continued from page 42)

with successful agreements, which yielded cost savings to the taxpayers on both sides of the fence.

Shortly after the township and Picatinny forged their relationship with the ballfields, other ventures folResidents were especially excited to enjoy the existing pool facility. Picatinny determined that over the years its membership had declined and was willing to make available 100 to 150 family memberships to Rockaway Township. If you can visualize the lines formed to get popular concert tickets or special sporting

was not being considered for renovation. The soldiers and their families stationed at the Arsenal came to rely on this pool facility as a focal point of their summer activities. The decision was made with the foresight, courage and leadership of Township Mayor John Inglesino and then Brigadier General lames Boddie, Commander of

The Mayor pledged that since this was a membership facility, user fees must support the capital funding, debt service and operating costs and that the burden should not be placed on the taxpayers of the township.

Picatinny Arsenal, to establish the framework for the construction of a new facility that could be shared by both the township and arsenal. Leon Moreau III, Picatinny Arsenal's Chief of Morale, Wel-

lowed. Such partnership initiatives included the use of the existing swimming pool, gymnasium, outdoor play surface for roller hockey, and the use of an otherwise underutilized schoolage service building for the township's tot program. All of the partnerships included Picatinny Arsenal families.

event tickets, this was the scene for distribution of the limited number of pool memberships to residents. It was apparent that a township pool was something that many residents wanted. The existing pool at Picatinny was a 30-year-old "L" shaped vessel that was in disrepair and due to its age,

fare and Recreation (MWR) and the township's Director of Parks and Recreation and me along with our respective support staffs, were charged with shepherding this project along its long and extremely challenging journey.

(continued on page 46)



Aquatic Park

(continued from page 44)

It was agreed that Rockaway Township would consider providing a lump sum of money toward the construction costs in addition to an annual payment for operating costs, which would equate to a membership fee, similar to the scenario utilized for the existing pool. The Mayor pledged that since this was a membership facility, user fees must support the capital funding, debt service and operating costs and that that burden should not

be placed on the taxpayers of the township. The challenge now was to get the community informed and establish a base of support. Mayor Inglesino promptly appointed a citizens advisory committee and charged them with the task of securing deposits from at least 500 potential family members, a number the Township Council wanted to see, in order for them to have a comfort level in proceeding with the municipal financial obligation.

On the arsenal side of the fence, the challenge was to convince the

Department of the Army and the various levels of the chain of command why a large, state of the art facility should be constructed at such a relatively small military installation. The answer was obvious. By working with Rockaway Township the arsenal would have access to a facility each couldn't build alone. The Army utilizes an alternate funding source known as NAF (non-appropriated funds), which in effect, loans money to various Army bases for MWR projects. The process is much like applying for a grant.

An outside consultant reviews the project and determines its value to the soldiers and its ability to generate revenue to support its operations and repay the loan for the construction. The consultant also considered Rockaway Township as part of the equation, something never considered before. The report concluded that the park could sustain its operations based on a financial model and demographic information modeled after another recently constructed aquatic facility at Fort Knox, Kentucky. In fact, at the conclusion of the validation process, the Aquatic Park at Picatinny was ranked second in its class of projects for the year 1999, from those submitted by Army bases throughout the world. The partnership idea got the attention of high-ranking Army officers in Washington DC. For its 1.3 million dollar capital contribution toward the 3.9 million dollar project, Rockaway Township would receive 650 memberships or the available 900 identified as being the maximum the park design could hold.

mittee was identifying community interest and conducting community meetings, publishing flyers and speaking at other community-based group functions. Pool Committee chairman Mike Geller, who is a reduced engineer and actually had no interest in a pool membership, thought that this partnership was a tremendous opportunity for the township and as such, worked tirelessly along with other trembers to educate the public on the merits of the project. With the clock ticking, the

construcci on page 48)

LOCAL PUBLIC CONTRACTS LAW ADR

PROCESS DESIGN AND NEUTRAL SERVICES FOR CONSTRUCTION CONTRACT DISPUTES

ROBERT A. RUBIN

- Founding Fellow, American College of Construction Lawyers
- Professional Engineer, New York
- Co-author: Construction Claims: PREVENTION AND RESOLUTION, 3rd Edition Van Nostrand Reinhold, 1999
 - Mediator/Arbitrator, American Arbitration Association

WILLIAM J. POSTNER

- Fellow, American College of Construction Lawyers
- Special Master,
 Supreme Court of the State of New York
 - Defense Research Institute
 - Mediator/Arbitrator,
 - American Arbitration Association

ROBERT J. MACPHERSON

- Mediator, United States District Court, New York and New Jersey
- Mediator, Superior Court of New Jersey
 Mediator / Arbitrator,
- American Arbitration Association
- · Adjunct Instructor, ADR-Rutgers Law School



17 Battery Place New York, NY 10004 (212) 269-2510 Fax: (212) 425-0968 42 West Main Street Holmdel, New Jersey 07733 (732) 946-9001 Fax: (732) 946-9005

E-mail: rjmacpherson@postner.com

Aquatic Park

(continued from page 46)

committee had to establish the base of support so the Township Council would move forward and budget for the funding. The goal was to begin construction in 1999 and have a grand opening on Memorial Day 2000.

The project was released for bid based on the Design-Build method. The contract was awarded in April 1999 to Imperial Construction Inc., an Elizabeth firm who teamed up with Aquatics Inc., a Cohoes, NY-based firm, to propose a truly "fun and exciting" park project. A number of meetings during the "review of bid" process determined that Imperial provided the Best Value, an option available to the Army in the competitive bidding process. Imperial's proposal provided amenities not contemplated by the partners, that were intriguing and achievable. A 350-linear-foot "Lazy River" was proposed and with

some shifting of other amenities, was accepted as an option. Design-Build and Best Value, both contributed to the uniqueness of the park and in Lee Moreau's words, "Instead of a bigger boring pool, we have achieved a fun and exciting facility for everyone."

With the Township Council passing a non-binding resolution to proceed with the project in 1998, the partnership, which was based on trust, vision into the future and good old fashioned hard work, moved ahead with the groundbreaking ceremony in August of 1999. The Township Pool Committee was working in earnest to fill the balance of the 500 charter members identified in April. The legal departments of the partners had a significant chore in that a Memorandum of Understanding had to be drafted, addressing all the various issues related to both parties, which would set forth the parameters of the specifics on financing and operations. The memorandum also addressed many issues related to the inherent differences between the military and Township way of life. The Township Council in its 2000 budget authorized the requisite funding and in April finalized the Aquatic Park partnership agreement; not a moment too soon.

Despite environmental constraints at the designated site, an unusually sold and windy winter and a somewhat rainy spring, which hampered construction efforts, the Aquatic Park opened, as promised, on Memorial Day weekend this year. A Herculean effort was put forth by a multitude of agencies and professional disciplines, both in the Army and throughout the municipality to ensure that the scope of work, the applicable codes and regulations were followed. Since the facility was constructed on U.S. Government property, the burden of project management was on Picatinny and the Army Corps of Engineers.

The result of everyone's hard work was obvious. A 12,000 sq. ft. zero depth entry leisure pool that features a 6 lane lap section, various water fountains and water cannon play amenities, two large waterslides, a 3,100 sq. ft. tot activity pool that features a Snail Slide and Tumble Bucket water activities; a relaxing "Lazy River," a comfort station with showers, a concession facility and administrative offices are among the many exciting features. Swimming lessons, swim team and SCUBA certification are among the programs that will be offered to members. In addition, a Name the Park contest is being contemplated along with the creation of a park theme, which will hopefully yield a mascot suitable for marketing purposes.

The mission now is to maintain and enhance the facility in a way that will keep the membership satisfied. This partnership success, as previously mentioned, has gained much attention among military leadership and will likely be the model for other municipalities and counties around the country. Enthusiastic response by the members after the opening and the growing waiting list, are encouraging signs that the aquatic park and our continued relationship is proving to be a success. �



MASON, GRIFFIN & PIERSON, P.C. COUNSELLORS AT LAW

Since 1955

Special counsel for special needs

In special situations, a municipality may require the services of outside counsel to protect its legal interest. MG&P represents local governments, governing bodies, planning boards, and boards of health with respect to their ordinary and not-so-ordinary legal needs. MG&P has knowledge and experience to enable it to serve as special counsel when the need arises.

Aviation Regulation

Employment Discrimination

Affordable Housing

Tax Assessment

Civil Rights Defense

Land Use Planning

Contract Disputes ADA Compliance

Waste Water Management

Litigation

Governmental Regulation

Zoning Ordinances

Edwin W. Schmierer, Esquire, Coordinator, Governmental Affairs Practice Group

101 Poor Farm Road, Princeton, New Jersey 609-921-6543 web: www.mgplaw.com